

THE STATE OF NEW HAMPSHIRE

**HILLSBOROUGH, SS.
SOUTHERN DISTRICT**

SUPERIOR COURT

Docket No. 226-2021-CR-00126

State of New Hampshire

v.

Julie Introcaso

Memorandum in Support of Motion to Intervene

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INTRODUCTION

The present criminal case arises out of an investigation of judicial misconduct by the New Hampshire Judicial Conduct Committee, initiated because of a complaint (JC-19-050-C) filed by Robin Partello against the Defendant, Ms. Julie Introcaso. Ms. Partello is one of the Petitioners who now seeks to intervene in this case.

As a former judge of the Ninth Circuit Family Court, Defendant Introcaso appointed her close friend, Ms. Kathleen Sternenberg, as *Guardian ad Litem* (GAL) in at least nine family law cases, including those of Petitioners Dana Albrecht and Robin Partello.

In many of these cases, Defendant Introcaso subsequently approved numerous increases in the fee cap charged by Ms. Sternenberg, which Petitioners allege constituted an illegal “cash for kids” scheme, whereby Ms. Sternenberg was a recipient of a “pecuniary benefit” from Defendant Introcaso within the meaning of RSA 640:2.¹ The Defendant’s actions also constituted “the private interest or emolument of any one man, family, or class of men,” specifically, Ms. Sternenberg, in violation of N.H. Const. pt 1, art. 10.

In addition, Defendant Introcaso “knowingly refrain[ed] from performing a duty imposed on [her] by law or clearly inherent in the nature of [her] office” in violation of RSA 643:1,² violated her oath of office to “bear faith and true allegiance to the United States of America and the state of New Hampshire, ”and to “support the constitution[s] thereof,” (N.H. Const. pt. 2, art. 84) and violated the

1 Exhibit 2 contains the full text of RSA 640:2

2 Exhibit 2 contains the full text of RSA 643:1

state and federal “due process” rights of Petitioners pursuant to N.H. Const. pt 1, art. 35 and U.S. Const. amend. XIV § 1.

While Ms. Introcaso did so in all of the Petitioners’ family law cases, Ms. Introcaso’s refusal to follow the orders of our New Hampshire Supreme Court in Petitioner Vivian Girard’s family law case was particularly egregious.

Consequently, the Petitioners, and any others similarly situated, now seek relief from this Honorable Court to intervene, relief that this Honorable Court issue an order classifying them as victims pursuant to RSA 21-M:8-k, and, in particular, relief that Petitioners be heard at any plea or sentencing hearing.

STATEMENT OF FACTS

Background

Defendant Julie Introcaso was a former judge of the Ninth Circuit Court, Nashua, New Hampshire, from August 22, 2012 until her resignation on February 16, 2021.

Kathleen Sternenberg is, and remains, a licensed *Guardian ad Litem* (GAL) in the State of New Hampshire, and was appointed by Ms. Introcaso as GAL in at least nine family law cases:

Date of Appointment	GAL Order of Appointment	Case Name(s)	Docket Number(s)
September 5, 2013	Depo. Ex. 13	<i>Merrifield v. Cox</i>	657-2011-DM-00565
January 30, 2014	Depo. Ex. 14	<i>Sobell v. Sobell</i>	659-2013-DM-00348 Appeal: 2015-0199

Date of Appointment	GAL Order of Appointment	Case Name(s)	Docket Number(s)
			Appeal: 2015-0724
May 12, 2015 June 22, 2015	(whited out) Depo. Ex. 15	<i>Crawford v. Crawford</i>	226-2008-DM-00525
August 20, 2015	Depo. Ex. 16	<i>Covart v. Covart</i>	659-2015-DM-00463
October 13, 2016	Depo. Ex. 17	<i>Albrecht v. Albrecht</i>	659-2016-DM-00288 Appeal: 2018-0379 Appeal: 2019-0436 Appeal: 2020-0118 Appeal: 2021-0192
February 22, 2017	Depo. Ex. 18	<i>Yiatras v. Yiatras</i>	659-2016-DM-00322
October 24, 2018	Depo. Ex. 2	<i>Campbell v. Partello</i>	659-2018-DM-00702
November 29, 2018	Depo. Ex. 3	<i>Loudermilk v. Montgomery</i> <i>Morell v. Montgomery</i>	659-2015-DM-00185 659-2019-DM-00383
December 12, 2018	Depo. Ex. 4	<i>Ausiaikova v. Meckel</i>	659-2018-DM-00414 Appeal: 2020-0160

In the present criminal case, Defendant Julie Introcaso is charged with two class B felony counts of “Falsifying Physical Evidence” (RSA 641:6) and two class A misdemeanor counts of “Tampering with Public Records or Information” (RSA 641:7) ultimately arising out of Ms. Introcaso’s subsequent efforts to “cover up” her illegal actions in these nine different family law cases.

Conflict of interest between Julie Introcaso and Kathleen Sternenberg.

There has been a longstanding conflict of interest between Julie Introcaso and Kathleen Sternenberg. Indeed, during a May 1, 2014 hearing in *Sobell v. Sobell*, the following exchange occurred in open court, on the record (transcript at 2-3),³ between Ms. Introcaso and Ms. Sternenberg:

³ See Exhibit 5.

Ms. Introcaso: And I recognize Attorney Sternenberg’s writing, I believe – maybe, maybe not – but her name. Counsel should know that Attorney Sternenberg and I are very good friends. Very good friends. I don’t know if she shared that with you, or she did not. And I’m going to look at K. – who I refer to as K. I don’t call her Kathleen or – K., are we very good friends?

Ms. Sternenberg: Yeah, I think so.

Ms. Introcaso: Yeah, we are very good friends. Very good friends like godparent of my child. We are very close.

In some of the nine cases, Ms. Sternenberg was appointed directly by Ms. Introcaso. In others, Ms. Sternenberg was first recommended by Marital Master Bruce F. DalPra, after which Ms. Introcaso then approved the appointment.

While Master DalPra had also been aware of this conflict of interest since 2014,⁴ Ms. Introcaso was ultimately responsible for the GAL appointment of and approval of GAL fee increases. See Witte v. Justices of New Hampshire Superior Court, 831 F. 2d 362 (1st Cir. 1987).⁵

History of the present criminal case

On September 5, 2013, Ms. Introcaso signed an order appointing Kathleen Sternenberg as GAL in *Merrifield v. Cox*.⁶

4 When Ms. Introcaso was asked in her deposition about discussion with “Master [Bruce] DalPra or you [Ms. Introcaso] and the parties or the counsel that Kathleen Sternenberg was on your conflicts list,” Ms. Introcaso replied, “Bruce [DalPra] has known that for seven years.” See deposition transcript (Exhibit 16) at 61:21.

5 See Exhibit 3 for the full text of this decision.

6 See Deposition Exhibit 13.

On January 30, 2014, Ms. Introcaso appointed Kathleen Sternenberg as GAL in *Sobell v. Sobell*.⁷ On May 1, 2014, Ms. Introcaso and Ms. Sternenberg discussed their relationship, on the record, in open court, in *Sobell v. Sobell*.

On May 12, 2015, Ms. Introcaso appointed Kysa M. Crusco, Esq., as GAL in *Crawford v. Crawford*.⁸

On or about June 22, 2015, Petitioners allege that Ms. Introcaso applied white-out to the original May 12, 2015 order of appointment in *Crawford*, covering up Ms. Crusco's name, and substituting Kathleen Sternenberg as GAL on the original order in the court's files, in violation of RSA 641:7. At the June 22, 2015 hearing in *Crawford*, Ms. Introcaso also stated, "I'll send the business elsewhere," (transcript at 11) referring to Ms. Introcaso's close friend Ms. Sternenberg.

On August 20, 2015, Ms. Introcaso appointed Kathleen Sternenberg as GAL in *Covart v. Covart*.⁹

On October 13, 2016, Marital Master Bruce DalPra recommended, and Ms. Introcaso approved, the appointment of Kathleen Sternenberg as GAL in Petitioner Dana Albrecht's family law case, *Albrecht v. Albrecht*.¹⁰

On February 22, 2017, Ms. Introcaso appointed Kathleen Sternenberg as GAL in *Yiatras v. Yiatras*.¹¹

On April 27, 2018, Ms. Introcaso wrote an email¹² to Administrative Judge David D. King expressing concerns about her performance evaluation, and

⁷ See Deposition Exhibit 14.

⁸ See Exhibit 6.

⁹ See Deposition Exhibit 16.

¹⁰ See Deposition Exhibit 17, and Ms. Introcaso's deposition at 164:16 165:5,20.

¹¹ See Deposition Exhibit 18.

¹² See Deposition Exhibit 1, also included here as Exhibit 7.

discussing her conflict of interest with Ms. Sternenberg. In addition, concerning Petitioner Vivian Girard’s family law case, *Silva v. Silva*, Ms. Introcaso also opined in her email to Judge King that:

Kalie Lydon, Esq. and Ed Richards, Esq. – law partners in Nashua who currently have filed a Judicial Conduct Complaint against me (on behalf of a client¹³ they represented in the underlying litigation) as well as a Supreme Court appeal¹⁴ based on my “unfair and biased treatment” of their client. I understand that a judge’s ethical issues is a most valuable subject for review, but at this time they appear to have a vested interest in promoting a narrative that suggests I’m unethical and unfair in a case that remains pending.

On October 24, 2018, Marital Master Bruce DalPra recommended, and Ms. Introcaso approved, the appointment of Kathleen Sternenberg as GAL in Petitioner Robin Partello’s family law case, *Campbell v. Partello*.¹⁵

On November 29, 2018, Ms. Introcaso appointed Kathleen Sternenberg as GAL in *Loudermilk v. Montgomery*.¹⁶

On December 12, 2018, Ms. Introcaso appointed Kathleen Sternenberg as GAL in *Ausiaikova v. Meckel*.¹⁷

On March 15, 2019, Ms. Introcaso issued a *sua sponte* recusal order¹⁸ in *Campbell v. Partello*, stating that:

The GAL [Kathleen Sternenberg] has been a long-standing friend of this judge; she has vacationed with her, discussed personal matters in depth (including financial issues) and the GAL is the godparent to one of this judge’s children.

13 i.e. Vivian Girard-Silva, one of the Petitioners here.

14 See *In the Matter of Silva & Silva*, 171 N.H. 1 (2018).

15 See Deposition Exhibit 2.

16 See Deposition Exhibit 3.

17 See Deposition Exhibit 4.

18 See Deposition Exhibit 9, also included here as Exhibit 9.

After issuing this recusal order, *supra*, on June 3, 2019, Ms. Introcaso nevertheless then held a hearing in *Loudermilk v. Montgomery* where Ms. Sternenberg, as GAL, was present. On June 7, 2019, Ms. Introcaso held another hearing, *ex parte*, in *Loudermilk* where Ms. Sternenberg, as GAL, was present. On July 23, 2019, Ms. Introcaso held a third hearing in *Loudermilk* where Ms. Sternenberg, as GAL, was present.¹⁹

On August 30, 2019, Ms. Introcaso held a fourth hearing, *ex parte*, in *Morell v. Montgomery*, a closely related case, discussing GAL Kathleen Sternenberg (transcript at 15), and the GAL Report (transcript at 15-16) in *Loudermilk*.²⁰

On September 12, 2019, Petitioner Robin Partello filed a complaint with the New Hampshire Judicial Conduct Committee concerning the conflict of interest between Ms. Introcaso and Ms. Sternenberg.

On January 26, 2020, Mary Ann Dempsey, General Counsel, New Hampshire Judicial Branch, authored a “Factual Investigation Report”²¹ concerning Ms. Introcaso’s efforts to “cover up” her actions in *Campbell v. Partello*, and Judge Mark S. Derby’s efforts “to help Judge Introcaso out.”²²

On October 22, 2020, Senior Associate Justice Gary E. Hicks wrote to then Attorney General Gordon J. MacDonald “requesting that the Public Integrity Unit of the Attorney General’s Office review the matter.”²³

¹⁹ See Exhibit 10.

²⁰ See Exhibit 10.

²¹ See Exhibit 11.

²² See Exhibit 11 at 5, ¶5.

²³ See Exhibit 12.

On October 23, 2020, Petitioner Dana Albrecht first learned of the conflict of interest between Ms. Introcaso and Ms. Sternenberg, because he read about it in the New Hampshire Union Leader.²⁴

On February 8, 2021, Ms. Introcaso's deposition was taken.²⁵

On February 10, 2020, the Judicial Conduct Committee submitted an "Exhibit List" in anticipation that a hearing would be conducted.²⁶

On February 11, 2021, Ms. Introcaso was arrested.²⁷

On February 16, 2021, Ms. Introcaso entered into a *Stipulation and Agreement*²⁸ with the Judicial Conduct Committee where Ms. Introcaso plead *nolo contendere* to charges that:

- A. Julie Introcaso, in violation of Canon 1, Rule 1.1, failed to comply with the law, including the Code of Judicial Conduct.
- B. Julie Introcaso, in violation of Canon 1, Rule 1.2, failed to act at all times in a manner that promotes public confidence in the impartiality of the judiciary.
- C. Julie Introcaso, in violation of Canon 1, Rule 1.2, failed to avoid impropriety and the appearance of impropriety.
- D. Julie Introcaso, in violation of Canon 2, Rule 2.5(A), failed to perform judicial responsibilities competently and diligently.
- E. Julie Introcaso, in violation of Canon 2, Rule 2.5(B), failed to cooperate with other judges and court officials in the administration of court business.

²⁴ See Exhibit 13.

²⁵ See Exhibit 16.

²⁶ See Exhibit 14.

²⁷ The arrest warrant is part of the docket, index #8.

²⁸ See Exhibit 15.

F. Julie Introcaso, in violation of Canon 2, Rule 2.11, failed to disqualify herself in a proceeding in which the judge's impartiality might reasonably be questioned.

G. Julie Introcaso, in violation of Canon 2, Rule 2.16(A), failed to cooperate with judicial disciplinary agencies.

H. Julie Introcaso, in violation of Canon 2, Rule 2.16(A), failed to cooperate and be candid with the judicial disciplinary authority.

On May 27, 2021; July 8, 2021; September 7, 2021; and September 23, 2021, this Honorable Court conducted hearings in the present criminal matter.

Additional facts plead

Harm to Petitioner Vivian Girard, and her minor children

Petitioner Vivian Girard's family law case, *Silva v. Silva*, No. 659-2015-DM-00731, has been ongoing since November 5, 2015, now over seven years, and has involved four appeals to the New Hampshire Supreme Court, docket numbers 2016-0478, 2017-0063, 2019-0390 and 2020-0152. In each of Ms. Girard's appeals heard by our Supreme Court, the Court reversed and remanded decisions by Ms. Introcaso, who in turn simply ignored the orders of our state's highest Court.

Ms. Girard, and her minor children, have been harmed by Ms. Introcaso's failure to perform judicial responsibilities competently and diligently in violation of Canon 2, Rule 2.5(A) of the code of Judicial Conduct, and by Ms. Introcaso's conduct whereby she "knowingly refrain[ed] from performing a duty imposed on [her] by law or clearly inherent in the nature of [her] office," a violation of RSA 643:1.

Harm to Petitioner Dana Albrecht, and his minor children

Petitioner Dana Albrecht's family law case, *Albrecht v. Albrecht*, No. 659-2016-DM-00288, has been ongoing since April 8, 2016, now over five and a half years. Of the three minor children involved, Mr. Albrecht's younger son resided in New Hampshire since he was a six-month old infant, and Mr. Albrecht's two minor daughters were both born in Hollis, New Hampshire.

Nevertheless, GAL Kathleen Sternenberg earned over \$10,000 in fees, with fee cap increases approved by Ms. Introcaso, to "investigate" relocating the parties' minor children to California. At Mr. Albrecht's final hearing, Ms. Sternenberg then testified that "it is in fact in the best interests of the children to relocate [to California]" and "I couldn't be any stronger in my recommendation that this happen right away" (transcript at 353).

Mr. Albrecht's minor children were then subsequently relocated multiple times, from Hollis, New Hampshire, to Pasadena, California, to Sierra Madre, California, and most recently, without prior notice to Mr. Albrecht, or the permission of any court, to East China, Michigan. While Mr. Albrecht was given full parental rights "on paper," Ms. Introcaso subsequently refused to enforce any provisions of the court's parenting plan. See May 30, 2019 family court order.

Mr. Albrecht asserts that the resulting multi-state UCCJEA diversity of citizenship family law case, involving New Hampshire, California (Case No. 21PDFL00970), and now Michigan (Case No. 21-00769-UN) is a consequence of Ms. Introcaso's and Ms. Sternenberg's illegal "cash for kids" scheme, and that the actions of Ms. Introcaso and Ms. Sternenberg have caused harm and emotional distress to his minor children, who lived in New Hampshire their entire lives prior to Ms. Stenerberg's recommendations and Ms. Introcaso's orders.

By way of contrast, Mr. Albrecht's oldest son was already 18 when Mr. Albrecht's family law case began, was not subject to the orders of Ms. Introcaso's family court, continues to reside with Mr. Albrecht in Nashua, New Hampshire, and has not been similarly harmed.

Concerning Mr. Albrecht's family law case, Ms. Introcaso stated in her deposition (at 155-156), "Oddly, I am familiar with it. This is something of a notorious case. But all I know is the name Albrecht and Albrecht," and further stated that she "just looked at it quick and signed it."

Harm to Petitioner Robin Partello, and her minor child.

Petitioner Robin Partello's family law case, *Campbell v. Partello*, No. 659-2018-DM-00702, has been ongoing since October 12, 2018, now over three years, and was the focus of the related Judicial Conduct Committee investigation.

Also as part of Ms. Introcaso's and Ms. Sternenberg's illegal "cash for kids" scheme, Ms. Sternenberg charged Ms. Partello's family over \$10,000 in fees, with fee cap increases approved by Ms. Introcaso.

Further, Ms. Introcaso's is presently charged with two class B felony counts of "Falsifying Physical Evidence" (RSA 641:6) and two class A misdemeanor counts of "Tampering with Public Records or Information" (RSA 641:7), concerning the original records of the Ninth Circuit Family Court in Ms. Partello's case.

Consequently, Ms. Partello, perhaps moreso than anyone, has been even more directly affected by Ms. Introcaso's alleged crimes.

ARGUMENT

New Hampshire's liberal pleading rules.

Consistent with New Hampshire's liberal pleading rules, intervention is broadly available and is governed by court rule: "Any person shown to be interested may become a party to any civil action upon filing and service of an Appearance and pleading briefly setting forth his or her relation to the cause ..." See N.H. Super. Ct. R. 15.

As the New Hampshire Supreme Court has explained in Lamarche v. McCarthy, 158 N.H. 197, 200 (2008):

"The right of a party to intervene in pending litigation in this state has been rather freely allowed as a matter of practice." Brzica v. Trustees of Dartmouth College, 147 N.H. 443, 446, 791 A.2d 990 (2002) (quotation omitted). A trial court should grant a motion to intervene if the party seeking to intervene has a right involved in the trial and a direct and apparent interest therein. Snyder v. N.H. Savings Bank, 134 N.H. 32, 35, 592 A.2d 506 (1991). It is within the trial court's discretion to grant intervenor status. Samyn-D'Elia Architects v. Satter Cos. of New England, 137 N.H. 174, 177, 624 A.2d 970 (1993).

Petitioners' "direct and apparent interest therein" concerning this case has been previously set forth in the "Statement of Facts," *supra*, and is re-incorporated here by reference herein, the same as if plead in full.

Petitioners' standing as taxpayers eligible to vote in the State.

In White v. Foster, N.H. Supreme Court No. 2017-0358 (March 8, 2018), the plaintiffs alleged that:

the defendants, Joseph Foster, Individually, Gordon J. MacDonald, as New Hampshire Attorney General, Nick Willard, Individually, and as Manchester Police Chief, James Boffetti, Individually, and as Chief of New Hampshire's Consumer Protection Bureau, and Peter Bartlett, Individually, and as Hooksett Police Chief, wrongfully declined the plaintiffs' requests to investigate their complaints.

The plaintiffs also argued that:

they have standing because "any member of the public has standing when the AG engages in illegal conduct, adopts unlawful policies, oversteps his authority, behaves with arbitrariness or caprice, or refuses to perform his duties." They also argue that they have standing because they are crime victims ...

Nevertheless, the New Hampshire Supreme Court wrongly affirmed the trial court's decision that "the plaintiffs lacked standing to obtain declaratory relief," wrongly concluded that "the plaintiffs have not demonstrated reversible error," and wrongly affirmed the trial court's decision to dismiss the case.

Indeed, this decision constituted reversible error on the part of our New Hampshire Supreme Court, and was, as matter of law, subsequently reversed. The plaintiffs next requested review by our United States Supreme Court, No. 18-102, arguing in their *Petition for a Writ of Certiorari* that:

A number of cases have held victims have standing to enforce their procedural rights even though they are not parties to the criminal proceeding. See, e.g., Melissa J v. Superior Court, 190 Cal. App. 3d. 476 (1987), State v. Lamberton, 183 Ariz. 47, 899 P.2d 939 (1995), and Cianos v. State, 338 Md. 406, (1995).

However, concerning "standing," relief was ultimately provided not by our United States Supreme Court²⁹, but by the People.

²⁹ Our United States Supreme Court grants *certiorari* to only a tiny fraction of cases it is asked to hear. On October 1, 2018, it denied *certiorari* to plaintiffs. However, the denial of *certiorari* by the United States Supreme Court "imports no expression of opinion upon the merits of the case." See Missouri v. Jenkins, 515 U.S. 70,85 (1995). The reasons for why a denial of *certiorari* cannot

Because “all government of right originates from the people, is founded in consent, and instituted for the general good,” (N.H. Const. pt. 1, art. 1) the People also “have certain natural, essential, and inherent rights,” (N.H. Const. pt. 1, art. 2)³⁰ and are entitled to “free, complete, and prompt legal remedies to obtain justice,” (N.H. Const. pt. 1, art. 14) among them, that “whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government.” (N.H. Const. pt. 1, art. 10)

Accordingly, on November 6, 2018, less than eight months after White v. Foster, the People overturned our New Hampshire Supreme Court’s decision by overwhelmingly passing Ballot Question 1 (411,518 Yes; 86,135 No) with nearly 83% in favor, thereby amending N.H. Const. pt. 1, art. 8 to explicitly provide, where our judiciary had previously erred, that “any individual taxpayer eligible to vote in the State, shall have standing to petition the Superior Court.”

Consequently, Petitioners assert that, pursuant to N.H. Const. pt. 1, art. 8, as amended 2018, they have standing in this case to petition the Superior Court.

be treated as implicit approval of a lower court’s opinion were set forth in Maryland v. Baltimore Radio Show, 338 U.S. 912 (1950), in which the U.S. Supreme Court explained the many rationales which could underlie the denial of a writ which have nothing to do with the merits of the case.

30 Our N.H. Supreme Court observed in Burrows v. City of Keene, 121 N.H. 590 (1981) that the rights mentioned in N.H. Const. pt. 1, art. 2 are not bestowed by that constitutional provision but rather are recognized to be among the natural and inherent rights of all humankind. This provision of our Bill of Rights “has been held to be so specific that it ‘necessarily limits all subsequent grants of power to deal adversely with it.’” Metzger v. Town of Brentwood, 117 N.H. 497, 502, 374 A.2d 954, 957 (1977) (quoting Woolf v. Fuller, 87 N.H. 64, 68, 174 A. 193, 196 (1934))

Petitioners' right to petition for redress of grievances

Petitioners also assert a federal right to intervene pursuant to the First Amendment of the United States Constitution. “The right of access to the courts is an aspect of the First Amendment right to petition the Government for redress of grievances.” See Bill Johnson’s Restaurants, Inc. v. NLRB, 461 U.S. 731, 741 (1983).

To be sure, this right has deep historical roots in English law in The Bill of Rights 1689, 1 William & Mary Sess 2 c 2, the Petition of Right, 3 Car 1 c 1 (1628), and the Magna Carta (1215). More recently, as the United States Court of Appeals, Third Circuit, recently explained in Mirabella v. Villard, 853 F. 3d 641 (3d Cir. 2017):

The right to petition the government is “one of ‘the most precious of the liberties safeguarded by the Bill of Rights.’” BE & K Constr. Co. v. NLRB, 536 U.S. 516, 524, 122 S.Ct. 2390, 153 L.Ed.2d 499 (2002) (quoting United Mine Workers of Am., Dist. 12 v. Ill. State Bar Ass’n, 389 U.S. 217, 222, 88 S.Ct. 353, 19 L.Ed.2d 426 (1967)). “The very idea of a government, republican in form, implies a right on the part of its citizens to meet peaceably for consultation in respect to public affairs and to petition for a redress of grievances.” United States v. Cruikshank, 92 U.S. 542, 552, 23 L.Ed. 588 (1875). Petitioning serves numerous, fundamental interests of petitioners and the government alike. It is “essential to freedom,” liberty and self-government. Borough of Duryea v. Guarnieri, 564 U.S. 379, 382, 394, 131 S.Ct. 2488, 180 L.Ed.2d 408 (2011); see also McDonald v. Smith, 472 U.S. 479, 483, 105 S.Ct. 2787, 86 L.Ed.2d 384 (1985). Petitions contribute to the “public airing” of disputes, the “evolution of the law,” and the use of government as an “alternative to force.” BE & K Constr., 536 U.S. at 532, 122 S.Ct. 2390.

In *Borough of Duryea v. Guarnieri*, the Supreme Court recently renewed its Petition Clause jurisprudence, with a focus on the historical underpinnings of the right. 564 U.S. at 387-97, 131 S.Ct. 2488; see also Ronald J. Krotoszynski, Jr., *Reclaiming the Petition Clause* 104-28 (2012) (chronicling the history of petitioning in the United States, including its importance in the abolitionist movement). The Supreme Court described the “special concerns” of the Petition Clause, as compared to the Speech Clause, as follows: “The right to petition allows citizens to express their ideas, hopes, and concerns *to their government and their elected representatives*, whereas the right to speak fosters the public exchange of ideas that is integral to deliberative democracy as well as to the whole realm of ideas and human affairs.” Id. at 388, 131 S.Ct. 2488 (emphasis added).

A petition may “undoubtedly” consist of a “personal grievance addressed to the government.” Id. at 394, 131 S.Ct. 2488. But “[p]etitions to the government assume an added dimension when they seek to advance political, social, or other ideas of interest to the community as a whole.” Id. at 395, 131 S.Ct. 2488. A petition need not “take[] a specific form,” and may include an oral grievance. Mack, 839 F.3d at 299 (citation omitted).

A petition enjoys constitutional protection whether it is addressed, as here, to a local government, or to a state or national government. See, e.g., *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 889, 102 S.Ct. 3409, 73 L.Ed.2d 1215 (1982) (petition and boycott directed at county officials); *Brown v. Louisiana*, 383 U.S. 131, 142, 86 S.Ct. 719, 15 L.Ed.2d 637 (1966) (protest of segregated public library); *Holzemer v. City of Memphis*, 621 F.3d 512, 519 (6th Cir. 2010) (oral request to city councilperson); *Van Deelen v. Johnson*, 497 F.3d 1151, 1158 (10th Cir. 2007) (appeal of county property tax assessment). A petition may be directed

towards any department of government, including the courts. Guarnieri, 564 U.S. at 387, 131 S.Ct. 2488; BE & K Constr., 536 U.S. at 525, 122 S.Ct. 2390; see also Anderson v. Davila, 125 F.3d at 162-63 (holding that the right to petition includes actions taken in anticipation of litigation).

Ms. Introcaso's violations of N.H. Const. pt 1, art. 10.

N.H. Const. pt 1, art. 10 requires:

[Art.] 10. [Right of Revolution.] *Government being instituted for the common benefit, protection, and security, of the whole community, and not for the private interest or emolument of any one man, family, or class of men; therefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government. The doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.*

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While the full scope, final interpretation and ultimate application of N.H. Const. pt 1, art. 10, is by its very nature, determined by the People (Cf. N.H. Const. pt. 1, art. 2), this is not inconsistent with our New Hampshire Supreme Court's explanation in Opinion of the Justices, 144 N.H. 374 (1999) that:

This provision of our constitution has commonly been regarded as enumerating a citizen's right to reform an ineffectual or manifestly corrupt form of government. See City of Claremont v. Craigie, 135 N.H. 528, 533-34, 608 A.2d 866, 869 (1992); Nelson v. Wyman, 99 N.H. 33, 50, 105 A.2d 756, 770 (1954). We have recognized for over one hundred years, however, that this provision is imbued with "[t]he principle of equality [that] pervades the entire constitution," State v. Pennoyer, 65 N.H. 113, 114, 18 A. 878, 879 (1889), and as such,

Article 10 provides support for the maxim that “[t]he law cannot discriminate in favor of one citizen to the detriment of another.” *Id.* Thus, Part 1, Article 10 has been recognized as providing for more than a “right of revolution”; rather, it is one of many provisions in our Bill of Rights that forms the basis for a citizen’s right to equal protection. See, e.g., *Town of Chesterfield v. Brooks*, 126 N.H. 64, 67, 489 A.2d 600, 602 (1985) (zoning ordinance violated equal protection rights guaranteed by Part 1 Articles 1, 2, 10, 12, and 14); *Gazzola v. Clements*, 120 N.H. 25, 29, 411 A.2d 147, 151 (1980) (statute violated equal protection rights guaranteed by Part 1, Articles 1, 10, 12, and 14).

Insofar as Ms. Introcaso’s actions constituted “the private interest or emolument of any one man, family, or class of men,” specifically, Ms. Kathleen Sternenberg” whereby Ms. Sternenberg was a recipient of a “pecuniary benefit” from Ms. Introcaso within the meaning of RSA 640:2, this constitutes a “manifestly corrupt form of government” and violates N.H. Const. pt 1, art. 10.

Ms. Introcaso’s violations of N.H. Const. pt 1, art. 35

N.H. Const. pt 1, art. 35 requires:

[Art.] 35. [The Judiciary; Tenure of Office, etc.] *It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the Judges of the Supreme Judicial Court should hold their offices so long as they behave well; subject, however, to such limitations, on account of age, as may be provided by the Constitution of the State; and that they should have honorable salaries, ascertained and established by standing laws.*

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Amended 1792 to provide for age limitation as provided by the constitution.

As previously plead in the Statement of Facts, *supra*, in some cases, Ms. Sternenberg was appointed directly by Ms. Introcaso. In others, Ms. Sternenberg was first recommended by Marital Master Bruce F. DalPra, after which Ms. Introcaso then approved the appointment.

Master DalPra, now age 72, is constitutionally barred from serving as a judge. While Master DalPra had also been aware of the conflict of interest between Ms. Introcaso and Ms. Sternenberg since 2014, Ms. Introcaso was ultimately responsible for the GAL appointment of and approval of GAL fee increases.

What powers New Hampshire Marital Masters and New Hampshire Judges possess respectively is both a state and federal question. See 42 U.S.C. § 1983 and Witte v. Justices of New Hampshire Superior Court, 831 F. 2d 362 (1st Cir. 1987).

At the same time, our New Hampshire State Constitution requires that it is the right of every citizen to be tried by judges [emphasis added] as impartial as the lot of humanity will admit (N.H. Const. pt. I, art. 35), and for legal remedies to be free, complete, and prompt (N.H. Const. pt. I, art. 14). It also requires the accountability of magistrates and officers (N.H. Const. pt. I, art. 8) and provides standing for any individual taxpayer to petition the Superior Court accordingly. (*Id.*)

Petitioners assert that Ms. Introcaso violated N.H. Const. pt. I, art. 35 in their cases, as well as in other cases, because “an objective, disinterested observer, fully informed of the facts, would entertain significant doubt that justice would be done in the case.” See In the Matter of Tapplly & Zukatis, 162 N.H. 285, 297, 27 A.3d 628 (2011).

Ms. Introcaso's violations of U.S. Const. amend. XIV § 1

As previously argued, *supra*, what powers New Hampshire Marital Masters and New Hampshire Judges possess respectively is both a state and federal question. See 42 U.S.C. § 1983 and Witte v. Justices of New Hampshire Superior Court, 831 F. 2d 362 (1st Cir. 1987).

The appointment of Ms. Kathleen Sternenberg by Ms. Julie Introcaso in at least nine family law cases has violated the federal Due Process Clause.

The objective standards implementing the federal Due Process Clause do not require proof of actual bias. Rather, the question is whether, “under a realistic appraisal of psychological tendencies and human weakness,” the issues pose “such a risk of actual bias or prejudgment that the practice must be forbidden if the guarantee of due process is to be adequately implemented.” See Caperton v. AT Massey Coal Co., Inc., 556 U.S. 868 (2009).

Further, as Caperton also addresses the recusal of state judicial officers in cases of conflict of interest, it is particularly germane, and the full text of the opinion of our United States Supreme Court is provided here as Exhibit 4.

Defendant Julie Introcaso's oath of office.

The Defendant Julie Introcaso has violated both the state and federal “due process” rights of the People in her capacity as judge in Petitioners’ and others’ family law cases. Consequently, Ms. Introcaso has violated her oath of office to “bear faith and true allegiance to the United States of America and the state of New Hampshire,” and to “support the constitution[s] thereof,” pursuant to N.H. Const. pt. 2, art. 84.

Consequently, public funds spent on Ms. Introcaso's salary were spent to further the "violation of a law, ordinance, or constitutional provision."

Accountability of magistrates and officers

N.H. Const. pt. 1, art. 8 requires:

[Art.] 8. [Accountability of Magistrates and Officers; Public's Right to Know.] *All power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them. Government, therefore, should be open, accessible, accountable and responsive. To that end, the public's right of access to governmental proceedings and records shall not be unreasonably restricted. The public also has a right to an orderly, lawful, and accountable government. Therefore, any individual taxpayer eligible to vote in the State, shall have standing to petition the Superior Court to declare whether the State or political subdivision in which the taxpayer resides has spent, or has approved spending, public funds in violation of a law, ordinance, or constitutional provision. In such a case, the taxpayer shall not have to demonstrate that his or her personal rights were impaired or prejudiced beyond his or her status as a taxpayer. However, this right shall not apply when the challenged governmental action is the subject of a judicial or administrative decision from which there is a right of appeal by statute or otherwise by the parties to that proceeding.*

June 2, 1784

Amended 1976 by providing right of access to governmental proceedings and records.

Amended 2018 by providing that taxpayers have standing to bring actions against the government

The Honorable Charles S. Temple, who is the presiding Judicial Officer in this matter, Senior Assistant Attorney General Geoffrey W.R. Ward, who is the

Prosecutor, former Judge Julie Introcaso, who is the Defendant, and former Attorney General Michael A. Delaney, who is the Defendant's counsel, all are, or previously were, "public servants" within the meaning of RSA 640:2, II(a).

Those, *supra*, who are currently "public servants" are required to perform those duties imposed on them by law or inherent in the nature of their office pursuant to RSA 643:1.

Those, *supra*, who are former "public servants," namely, Defendant Julie Introcaso, must be held accountable for all "corrupt practices" (RSA 640) or "abuse of office," (RSA 643) in addition to any "falsification in official matters." (RSA 641).

CONCLUSION

For the foregoing reasons, the Petitioners, and any others similarly situated, now seek relief from this Honorable Court to intervene, relief that this Honorable Court determine they are victims pursuant to RSA 21-M:8-k, relief that their testimony is heard and given appropriate weight at all future hearings in this matter; and, in particular, relief that they be heard at any plea or sentencing hearing.

Insofar as the Defendant Julie Introcaso previously violated both the state and federal "due process" rights of the Petitioners in her "honorable" court, it is now incumbent upon this Honorable Court to protect and uphold these very same state and federal constitutional rights of the Petitioners and of the People.

Respectfully submitted,

/s/ Dana Albrecht

DANA ALBRECHT

Pro Se

131 D.W. Hwy #235

Nashua, NH 03060

(603) 809-1097

dana.albrecht@hushmail.com

/s/ Robin Partello

ROBIN PARTELLO

Pro Se

28 Tilton St.

Nashua, NH 03063

(603) 417-9003

robinpartello@yahoo.com

/s/ Vivian Girard

VIVIAN GIRARD

Pro Se

162 Broad St.

Hollis, NH 03049

(603) 557-4534

TimberPost@gmail.com

Date: November 10, 2021

CERTIFICATE OF SERVICE

I hereby certify that I sent a copy of the foregoing to Geoffrey W. R. Ward, Esq., counsel of record for the State, and Michael A. Delaney, Esq., counsel of record for the Defendant.

/s/ Dana Albrecht
DANA ALBRECHT

Date: November 10, 2021